**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 700 OF 2000**

D.S. Negi. ...Applicant
V/s.
Saiyadri Paper Mills Ltd. & Ors. ...Respondents

Mr.N.T. Jhaveri for Respondent no.3.
Ms.M.M. Deshmukh, APP for State.

**CORAM : V.M. KANADE, J.**

**DATED : JANUARY 24, 2006**

**P.C. :-**

. None appears for the applicant. Heard learned Counsel for the respondent.

. The applicant is an Assistant Collector of Central Excise, Division K-1, Mumbai. The criminal proceedings were filed against the respondent in the Court of Additional Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai, vide C.C.No.67/S/85. During the pendency of the proceedings, the company went into liquidation and the property was in the possession of the High Court Receiver. The Magistrate noticed that the prosecution had not taken any steps for substituting and adding the High Court Receiver in place of accused no.1 and therefore, notice was issued to the present

applicant. Against the said order, the present criminal application has been filed.

2. In my view, there is no reason to interfere with the order passed by the learned Magistrate since the property of the company vested with the High Court Receiver, it was essential for the prosecution to substitute the Court Receiver, High Court in place of accused no.1 and there is, therefore, no substance in the grounds which are raised in this Criminal Application.

. Criminal Application is, accordingly, dismissed and disposed of as such. The interim order stands vacated.

**(V.M. KANADE, J.)**